



Attorney Docket No. 1580.03

STATEMENT OF SONG ESTABLISHING UNINTENTIONAL DELAY

, Sang G. Song, declare:

- 5 1. I am the Applicant for patent application having serial number
 09/422,025 ('025 application.)
2. The matter stated herein is of my own personal knowledge or of
 information gained as a licensor.
3. The '025 application was filed in about October, 1999.
- 10 4. In about October 1999, the subject matter of the patent application
 was licensed to Ideastix, Inc. (Torrance, California.)
5. In about February 2000, Ideastix formed a subsidiary in the Republic
 of Korea which opened a manufacturing plant in Korea that produces
 products that are intended to be covered by the pending claims of the
15 '025 application.
6. Since about May 2000, Ideastix has been and is advertising in a flyer
 products that are intended to be covered by the claims of the patent
 application.
7. In about January of 2001, Ideastix appeared at the Houseware Show
20 (Chicago) and displayed products that are intended to be covered by
 the pending claims of the '025 application.
8. Since about March 2001, Ideastix has been and is advertising at a
 website products that are intended to be covered by the pending
 claims of the '025 application.

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9. Since about May 2001, Ideastix appeared at the Stationery Show in New York City and displayed products that are intended to be covered by the pending claims of the '025 application.

10. In about 2002, Ideastix appeared at the Houseware Show (Chicago) and displayed products that are intended to be covered by the pending claims of the '025 application.

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11. I have always considered the subject matter of the '025 patent application to be patentable.

12. I have always considered the scope of the pending claims in the '025 application to justify the financial expense of obtaining a patent.
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The '025 patent application is valuable intellectual property in that the licensee of this application, Ideastix, pays a royalty. It is also valuable property in that Ideastix has invested time and money into forming a manufacturing subsidiary, arranging for distribution and advertising products that are intended to be covered by the pending
15 claims of the '025 application.

13. There has always been an availability of and willingness to pay professional fees and costs associated with the prosecution and issuance of the patent application. That is, there has been no subterfuge to delay or avoid paying fees and costs.
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14. Attached hereto as Exhibit "A" is a true and correct copy of a March 22, 2002, letter from Donald Kang ("Kang," President of Ideastix) to Ben E. Lofstedt ("Lofstedt"). This letter memorializes a

promise made on March 6, 2002, by Lofstedt to "do whatever it takes" to reinstate the '025 application. It also memorializes a demand that this promise be honored.

15. Attached hereto as Exhibit "B" is a true and correct copy of an April 30, 2002, letter from Kang to Lofstedt seeking an update on his activity to reinstate the '025 application.
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16. Attached hereto as Exhibit "C" is a true and correct copy of a May 21, 2002, letter from Kang to Lofstedt instructing him to transfer the file to Park & Sutton, LLP.
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17. Attached hereto as Exhibits "D" and "E" are true and correct copies of two letters each dated June 6, 2002, from Park & Sutton, LLP to Lofstedt pursing his transferring the files to Park & Sutton, LLP.
18. Attached hereto as Exhibit "F" are true and correct copies of phone records memorializing telephone calls to Lofstedt for him to pursue

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prosecution of the patent application.

19. In summary, the abandonment of the '025 application was
unintentional.

I swear or affirm under the penalties of perjury for the United
5 States of America that the foregoing is true and correct.



Sang G. Song